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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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**MAR 18 2010**

FILE:

[WAC 01 264 59990]

OFFICE: VERMONT SERVICE CENTER

Date:

IN RE:

Applicant:

APPLICATION: Application for Temporary Protected Status under Section 244 of the  
Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the Vermont Service Center. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. §103.5(a)(1)(i).

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The applicant's Temporary Protected Status (TPS) was withdrawn by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director withdrew TPS because the applicant failed to submit the requested court disposition regarding her arrest on June 21, 2008 by the Sheriff's Office in San Francisco, California for transportation/sell of narcotic controlled substance, possession/purchase of coke base for sale and conspiracy to commit a crime. The director also withdrew TPS because the applicant failed to submit the court disposition, *in its entirety*, for her arrest on January 5, 2008, by the Sheriff's Office in Santa Barbara, California for accessory.

On appeal, counsel for the applicant asserted, "[d]ecision was in error in that Appellant has only one misdemeanor conviction." Counsel asserted that the applicant submitted a timely response to the director's request for conviction documents.<sup>1</sup> Counsel indicated that a brief and/or additional evidence would be submitted to the AAO within 30 days. However, more than six months later, no additional correspondence has been presented by counsel or the applicant.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

*Summary dismissal.* An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Counsel has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal. Counsel has not submitted any evidence, on appeal, to establish the applicant's eligibility for TPS and to overcome the director's findings. Accordingly, the appeal will be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> The record reflects that the applicant only submitted incomplete court documentation that appears to relate to her January 5, 2008, arrest.